

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CEDRIC M. WRIGHT,
Plaintiff,
vs.
FRANCIS SLAY,
Defendants.

Cause No. 12-CV-107-AGF

DEPOSITION OF RUTH ANN ALBERTI
Taken on behalf of the Plaintiff
April 23, 2013

Reported by Victoria Menaugh Fauser
CCR No. 903
CSR Missouri and Illinois

MENAUGH FAUSER REPORTING
416 SOUTH WOODLAWN AVENUE
KIRKWOOD, MISSOURI 63122
OFFICE: (314) 965-7162
FAX: (314) 909-6631

APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF:

Jennifer L. Shoulberg
Hacking Law Practice, LLC
34 North Gore - Suite 101
St. Louis, Missouri 63119
(314) 961-8200

FOR THE DEFENDANT ST. LOUIS CITY:

Daniel J. Emerson
St. Louis City Counselor
314 City Hall
St. Louis, Missouri 63103

FOR THE DEFENDANT SLMPD:

Karin A. Schute
Christopher Hoell
Attorney General of Missouri
P.O. Box 861
St. Louis, Missouri 63188

2

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CEDRIC M. WRIGHT,
Plaintiff,
vs.
FRANCIS SLAY,
Defendants.

Cause No. 12-CV-107-AGF

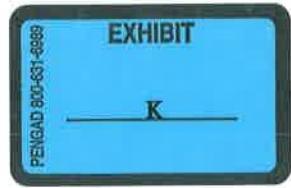
DEPOSITION of RUTH ANN ALBERTI, produced, sworn, and examined on behalf of the Plaintiff on April 23, 2013, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day at the Office of the St. Louis City Counselor, 314 City Hall, in the City of St. Louis, State of Missouri, before VICTORIA MENAUGH FAUSER, Certified Court Reporter in Missouri and Illinois and a Missouri Notary Public.

PLAINTIFF'S EXHIBITS

INDEX OF EXHIBITS

EXHIBIT NO.	PAGE NO. IDENTIFIED
5 Court Order 8/22/11	30
6 Court Order 10/20/11	34
8 Cedric Wright Custody Card	34
10 Post Dispatch Article	50

4



1 Q Have you ever received an order, a judge's order in
 2 your office stating that the person being held was the wrong
 3 defendant and ordering that individual to be released?
 4 A Yes.
 5 Q How many times?
 6 A I don't remember.
 7 Q Have you received one this week?
 8 A No.
 9 Q Did you receive one last week?
 10 A Not that I can recall.
 11 Q Do you think it has happened more than five times?
 12 A In my whole career probably.
 13 Q If I wanted to find out how many times those orders
 14 have made it to your office how would I do that?
 15 A I don't know.
 16 Q Do you keep a record of those?
 17 A If -- they are put on their card and they are
 18 filed, but as far as keeping track of how many, no.
 19 Q You mean the Sheriff's Custody Card; is that
 20 correct?
 21 A Yes.
 22 Q Have you ever been given any training on how to
 23 properly identify a suspect or an individual in your custody?
 24 A No.
 25 Q Since learning about Cedric's case has the

1 Q Is it a booking photo or is it --
 2 A Yes.
 3 Q Does it have any other information other than the
 4 picture, the name, the charges and holds?
 5 A Date of birth, Social Security number, LID number
 6 if they have put it on there.
 7 Q What is an LID number?
 8 A Local identification number. It's the police
 9 department's fingerprint number.
 10 Q So if I wanted to get a copy of the police
 11 department list of the names coming in including Cedric
 12 Wright's name from August 22nd, 2011 would that be a record
 13 that I could find in your office?
 14 A Probably not. We would have to pull up the list of
 15 everybody that came in on that day through the computer.
 16 Q But you could do it through the computer?
 17 A Probably.
 18 Q Has anyone asked you to pull up that list?
 19 A No.
 20 Q Other than the Sheriff's Department Custody Card
 21 what other criminal records does your office maintain?
 22 A A copy of the warrant that the police department
 23 sends over. And then release orders, transfer orders
 24 sentence and judgment papers.
 25 Q And how are those papers organized? Are they

1 Sheriff's Department issued any new policies or procedures on
 2 how to properly identify an individual?
 3 A No, because we don't identify.
 4 Q Since learning about Cedric's case has the
 5 Sheriff's Department issued any new policies or procedures to
 6 allow an individual to challenge their misidentification?
 7 A No, because we don't identify.
 8 Q Are you the highest ranking Sheriff's Department
 9 employee in the Criminal Records Unit?
 10 A Yes.
 11 Q And what are your job duties?
 12 A We keep track of prisoners coming in and going out.
 13 Q How do you do that, keep track of the prisoners?
 14 A The police department gives us the names of the
 15 ones that are coming in and then the court tells us which
 16 ones to release.
 17 Q So the police department gives you a list of names
 18 of the prisoners who are being given to your custody?
 19 A Yes.
 20 Q What does that list look like?
 21 A It has a picture, a name, charges, holds.
 22 Q Picture, name?
 23 A Charges and holds.
 24 Q Do you know where the picture comes from?
 25 A The police department.

1 organized by each individual charge or are they organized by
 2 each individual?
 3 A Case number and name.
 4 Q Okay. Has anyone asked you to make a copy of the
 5 case numbers that Cedric Wright was incarcerated under?
 6 A No.
 7 Q Do you have the ability to access REJIS?
 8 A Yes.
 9 Q Do you have the ability to edit or add data to
 10 REJIS?
 11 A No.
 12 Q Where is the Criminal Records Unit located?
 13 A Carnahan Courthouse.
 14 Q How many individuals work in the Criminal Records
 15 Unit?
 16 A Five.
 17 Q Who are the other individuals who work with you?
 18 A Right now Darlene Canava, Dorothy Hamilton, Bruce
 19 Marren, Helga Kane and me.
 20 Q Can you spell Darlene's last name?
 21 A C-A-N-A-V-A.
 22 Q And Helga's last name?
 23 A Kane. K-A-N-E.
 24 Q And Bruce's last name?
 25 A M-A-R-R-E-N.

1 Q Other than that order slip is there any other
 2 paperwork that is created after an order by the judge issuing
 3 somebody to be released has been received in your office?
 4 A A picture and a copy of any holds or a copy of the
 5 wants and warrants and then that's about it.
 6 Q What happens if somebody has been arrested on more
 7 than one case and the judge orders that inmate released on
 8 one of the cases?
 9 A He stays in custody until the other cases are taken
 10 care of.
 11 Q What happens in a case that he's been released on?
 12 A It's put in the computer that that person -- that
 13 case has been taken care of.
 14 Q Is that something your office does, put it in the
 15 computer?
 16 A Yes.
 17 Q What computer system do you use?
 18 A It's IJMS.
 19 Q Is there a record kept every time you log into
 20 IJMS? So for example, could you go back and see what you did
 21 on August 22nd, 2011?
 22 A No.
 23 Q What would you type into the computer, into IJMS if
 24 somebody was ordered released on a case?
 25 A It would depend on how he was released.

1 A Whenever anybody is arrested they put it into REJIS
 2 and when an LID person is identified then they normally put
 3 any aliases or any alias date of birth or any alias Social
 4 Security numbers on that person's LID so when we get custody
 5 we pull up the LID and use those as alias names and date of
 6 birth and Social Security numbers.
 7 Q So when you run them through REJIS do you run them
 8 using their LID number or do you run them using their name?
 9 A Names.
 10 Q So you look at the LID number and you run them
 11 through each name of every alias?
 12 A Correct.
 13 Q So you're using more than one name?
 14 A If they did, yes.
 15 Q And you can use more than one Social Security
 16 number?
 17 A Yes.
 18 Q Do you do separate searches? Is there kind of --
 19 A Separate searches.
 20 Q And for your normal process when you pull up an LID
 21 number on REJIS do you say okay, I'm going to run all the
 22 names, then I'm going to run all the addresses, then I'm
 23 going to run all the Social Security numbers? Is
 24 that something that you --
 25 A No.

1 Q Can you explain what you mean?
 2 A If it was nolle it would be put down as a nolle; if
 3 it was just a court order release it would be a court order
 4 release; if it was probation we would put probation; if it
 5 was time served we would put time served, et cetera.
 6 Q Who has authorization to enter those into IJMS?
 7 A Everybody that works in our office.
 8 Q Would you do that before or after you would check
 9 to see if that person has outstanding warrants or wanteds or
 10 holds?
 11 A Usually at the same time.
 12 Q What computer program would you use to check to see
 13 if somebody had outstanding warrants, wanteds or holds?
 14 A REJIS.
 15 Q Is there ever a situation where you would not
 16 follow the judge's order to release somebody on a charge?
 17 A Never.
 18 Q When you check to see if somebody has any
 19 outstanding warrants, wanteds or holds how do you look up
 20 that information?
 21 A Through REJIS.
 22 Q Using what identification information?
 23 A The -- everything that we receive from the police
 24 department.
 25 Q And can you describe those things to me?

1 Q -- normally do?
 2 A We don't do addresses. But yes, names, date of
 3 birth, Social Security numbers.
 4 Q After you run the names, the dates of birth and the
 5 Social Security numbers if wanteds, warrants or holds show up
 6 do you go back and verify that the same LID number is on
 7 those warrants, wanteds or holds as the number that you ran?
 8 A They won't be on any other jurisdiction because
 9 those LID numbers are different. If the name and date of
 10 birth matches we give the body and the paperwork to the
 11 police department.
 12 Q But if there are warrants, wanteds or holds from
 13 the St. Louis Metropolitan Police Department the LID number
 14 should be the same?
 15 A They should be the same but they would have already
 16 been given to us if the warrants were out.
 17 Q Can you explain what you mean?
 18 A If there is warrants out for their arrest the
 19 police department would put all of the case numbers when they
 20 arrest them.
 21 Q So those warrants wouldn't be available in the
 22 system when you're looking them up because they should have
 23 already been recalled; is that correct?
 24 A Correct.
 25 Q Have you ever had a situation where the warrants

1 Q After that has been computer generated when is this
 2 form printed out?
 3 A The day we take custody.
 4 Q So up on the right-hand side it says Date/Time and
 5 Movements. Does that mean that the Sheriff's Department
 6 didn't take custody until after 01:08 on August 22nd, 2011?
 7 A We took custody on 8/22.
 8 Q At what time?
 9 A They're usually signed for in the morning but the
 10 bodies usually don't get moved until whatever time they get
 11 ready for court.
 12 Q So when you say they were signed for is that the
 13 first handwritten notation or is that the last typewritten
 14 notation?
 15 A It's the first written one is the date we took
 16 custody.
 17 Q Is that your handwriting?
 18 A No.
 19 Q Do you recognize this handwriting?
 20 A It kind of looks like Ali's but I'm not totally
 21 sure.
 22 Q Do you know what New 25 means?
 23 A New on the docket with a felony.
 24 Q What does the 9/30 mean?
 25 A Next court date.

1 Division 25 and 26 are they brought before both judges or do
 2 they just appear before one?
 3 A As far as I know they go before both judges.
 4 Q And what time is the Division 25 docket, if you
 5 know?
 6 A Court starts between 9:00 and 9:30. That's all I
 7 can tell you.
 8 Q What time does court start in Division 26?
 9 A They usually both start at the same time.
 10 Q If Cedric Wright was released on Case No.
 11 0822-CR5202 you said that a notation would be made on this
 12 Custody Card; is that correct?
 13 A It should have been, yes.
 14 Q Is it fair to say that because no notation is made
 15 on this Custody Card that he was released under that charge
 16 number that he was not in fact released pursuant to the
 17 judge's order?
 18 MR. EMERSON: Object to the form of the
 19 question. You can answer if you understand but it's kind of
 20 confusing as phrased.
 21 Q (By Ms. Shoulberg) I can clarify. There is no
 22 notation on this Custody Card that Cedric Wright was released
 23 on 0822-CR5202; correct?
 24 A Correct.
 25 Q Is it fair to say that he was not in fact released

1 Q Do you know if Cedric Wright was brought to court
 2 on 9/30 under Case No. 0922-CR381?
 3 A Do I know for sure, no.
 4 Q If you had that -- let me back up. If it was noted
 5 on a Custody Card that somebody had a next court of 9/30/2011
 6 on September -- I'm sorry. August 22nd, 2011 would you use
 7 this Custody Card as the basis of making sure that he was
 8 brought to court on that date or would you wait -- let me
 9 finish. Or would you wait for the list to come from the
 10 court?
 11 A We would wait for the list to come from the court
 12 because the case could have been continued.
 13 Q And if I wanted to look up where you got the
 14 information that his next court was 9/30 on Case No.
 15 0922-CR381 where would I find that information?
 16 A In the division's logbook.
 17 Q Okay. Is that the red book?
 18 A Correct.
 19 Q If you'll turn to the third page. Can you -- if
 20 you look at Line No. 37 it's a notation made for a Case No.
 21 0822-CR5202. Can you tell me where it indicates that the
 22 next court date on Case No. 0922-CR381 is September 30th?
 23 A No, because that's in Division 25's book. This is
 24 26's book.
 25 Q Okay. If a defendant was to appear in both

1 under that case number on September -- excuse me,
 2 August 22nd, 2011?
 3 A Not necessarily.
 4 Q Other than the computer system?
 5 A Correct.
 6 Q And if the computer system doesn't indicate that he
 7 was released on Case No. 0822-CR5202 then it would be fair to
 8 say that he was not released on that case number on
 9 August 22nd, 2011?
 10 A If it wasn't put in the computer then I would say
 11 yes.
 12 Q And putting it in the computer is something that's
 13 the responsibility of your office?
 14 A And IJMS, yes.
 15 Q I'm sorry. How is it IJMS's responsibility?
 16 A It's not IJMS's responsibility. That's the
 17 computer system that's used.
 18 Q But your office is in charge of entering that
 19 information into the computer system?
 20 A Correct.
 21 Q And if information is not entered that should be
 22 entered that falls on the office that you're in charge of?
 23 A Correct.
 24 Q Do you know whose initials are listed here in that
 25 circle?

1 A Ali McLafferty.
 2 Q Do you know what a/k/a stands for?
 3 A Also known as.
 4 Q Would you expect to see somebody's aliases listed?
 5 A Not on this card, no.
 6 Q Why not?
 7 A Because this -- the system doesn't drop the alias
 8 names on the Custody Card.
 9 Q Have you ever seen an alias listed here before?
 10 A Only if we put it there, if we write it in.
 11 Q So the Sheriff's Department would have to write it
 12 in?
 13 A Correct.
 14 Q And when would you write it in?
 15 A On this card -- these cards we normally don't.
 16 Q You said before that you had seen aliases written
 17 in by your department.
 18 A We would go by the LID number and go by the
 19 history.
 20 Q Have you ever seen an alias listed on a Custody
 21 Card like this before?
 22 A We've put stars if there is any listed sometimes,
 23 most of the time, but I don't know in this case.
 24 Q But not all of the time?
 25 A Obviously not in this case it doesn't look like.

1 fair to say that the policy and procedure was not followed in
 2 this case?
 3 A Not necessarily because it could have been done at
 4 the time of release.
 5 Q So there are multiple times that you could print
 6 that history?
 7 A Yes.
 8 Q If it was not generated any time would that be a
 9 violation of a policy and procedure? Either when this
 10 document was initially printed or at the time of release, is
 11 that a violation of the policy and procedure?
 12 A We don't have a policy of printing LID numbers; we
 13 just -- we've just been doing it.
 14 Q If Cedric Wright was not released on that Case No.
 15 0822-CR5202 would that be a violation of a policy and
 16 procedure?
 17 A It should have been marked on there. But I mean,
 18 he wasn't going anywhere no matter what anyway.
 19 Q Why do you say that?
 20 A Because he had those other two felonies pending.
 21 Q Even though Cedric Wright wasn't the proper
 22 defendant in those cases?
 23 A No, it said -- originally in August it said on that
 24 one case. It had nothing to do with the other two.
 25 Q Didn't you say earlier you would look up to make

1 But we always go to the history first before we release
 2 anybody.
 3 Q What does the history look like? Is that what
 4 Page 2 looks like?
 5 A No.
 6 Q What is the history? I'm sorry, I'm just not
 7 familiar --
 8 A It's a copy of the LID from the police department
 9 system.
 10 Q Is that something that the police department gives
 11 you?
 12 A No, we print it up from their LID number that they
 13 gave us.
 14 Q Through REJIS?
 15 A Yes.
 16 Q Do you save a copy of that history?
 17 A On the Custody Card.
 18 Q So would there be another document in Cedric
 19 Wright's file that I don't have other than these three in
 20 your office?
 21 A We usually print it out but sometimes I guess -- I
 22 don't know. We normally print it out and attach it.
 23 Q Is that a policy and procedure?
 24 A We've been doing that for a long time.
 25 Q If in fact the history wasn't printed out is it

1 sure that -- that the outstanding cases -- you said that you
 2 would use LID numbers to determine whether or not any
 3 outstanding cases were remaining; is that correct?
 4 A No, we don't use LID numbers because the other
 5 systems are not the same LID numbers. If they are
 6 wanted -- the city cases they don't put LID numbers in. Any
 7 other jurisdiction doesn't have the same LID number. So LID
 8 numbers don't have anything to do with the correct person
 9 through wants and warrants at all.
 10 Q What do you mean that the city doesn't enter LID
 11 numbers?
 12 A If City court wants a person they don't put LID
 13 numbers in. They have names, date of births and Social
 14 Security numbers. As far as I know the police department
 15 doesn't fingerprint City holds people when they are booked on
 16 a City case.
 17 MR. EMERSON: Municipal court?
 18 THE WITNESS: Yeah, municipal court.
 19 Q (By Ms. Shoulberg) I'm not talking about municipal
 20 cases. I'm talking about the state charges that are listed 2
 21 through 4.
 22 A But you were talking about holds, when we did wants
 23 and warrants on people.
 24 Q Holds, wants and warrants?
 25 A Correct. Holds would be any other pending cases,

1 which if -- on -- in August the 0822 case number was taken
 2 care of and then he would have been held on the 0922 -- the
 3 two 0922 cases and --
 4 Q And you would hold them regardless of whether or
 5 not the name matched and the date of birth matched and the
 6 Social Security number matched and the LID number matched; is
 7 that correct?
 8 A If the police department gives us the people and
 9 the case numbers we hold them until the court tells us to let
 10 them go.
 11 Q And you would hold them even if you were certain
 12 that he was not the proper defendant?
 13 A I will never be certain if it's the correct person.
 14 We have no way of identifying.
 15 Q Even though you have access to REJIS?
 16 A We don't fingerprint so we don't know.
 17 Q But you can look up in REJIS somebody's LID number;
 18 correct?
 19 A Correct.
 20 Q And that will pull up a photograph of the
 21 individual that's associated with that LID number?
 22 A Yes.
 23 Q And if somebody is being held on a charge and their
 24 LID number doesn't match then that means that they are not
 25 the proper defendant; correct?

1 Q Is that the booking photograph?
 2 A Correct.
 3 Q Is this a document that you would normally print?
 4 A Yes.
 5 Q At what point would you print this document?
 6 A The date they're arrested we print the Custody Card
 7 and we put -- and we print the picture.
 8 Q So is it fair to say that you printed this on
 9 August 22nd, 2011?
 10 A More than likely, yes.
 11 Q Okay. Do you see any aliases listed for Cedric
 12 Wright?
 13 A It's not listed -- I think there is another section
 14 that lists aliases in that system there.
 15 Q Is that something you would normally print?
 16 A No.
 17 Q Exhibit 8, Page 3. We talked about this document a
 18 little bit. You stated that it was the red book from
 19 Division 26; is that correct?
 20 A Correct.
 21 Q Do you recognize any of the handwriting on this
 22 document?
 23 A It looks like it's Alice Nicholas.
 24 Q Alice Nicholas?
 25 A Uh-huh. (Yes).

1 A Not necessarily. They could have -- the police
 2 department could have arrested and changed the LID number.
 3 We don't know. The police department arrests -- they give
 4 us the body that -- and the police department says that's
 5 what they're arresting him on we have to hold them until the
 6 court says we don't have to hold them.
 7 Q So as we sit here today even if you know that
 8 somebody is not the proper defendant you would still hold
 9 them?
 10 A Ma'am, I don't know -- I will never know if it's
 11 the right person or not.
 12 Q So you only consider this document, what the police
 13 department gives you?
 14 A The police department gives us a body --
 15 Q Without question?
 16 A Correct.
 17 Q On Page 2 of Exhibit 8, what is this document?
 18 A It's a copy of the Epic picture.
 19 Q The Epic?
 20 A Uh-huh. (Yes).
 21 Q Can you spell that?
 22 A E-P-I-C.
 23 Q What is an Epic picture?
 24 A The picture that the police department takes when
 25 they arrest a subject.

1 Q Can you spell that last name?
 2 A N-I-C-H-O-L-A-S.
 3 Q And who is Alice Nicholas?
 4 A She was the bailiff in 26.
 5 Q And she's deceased; is that correct?
 6 A Correct.
 7 Q Who is in charge of the book in 26 now?
 8 A I'm not sure.
 9 Q Do you know what RSP stands for on Line 37?
 10 A Receiving stolen property.
 11 Q Okay. Do you know what that notation 25 is for?
 12 A It means he had another -- a pending case in
 13 Division 25.
 14 Q Okay. And would he have been sent to Division 25
 15 before or after Division 26?
 16 A I don't know which one went first.
 17 Q Have you looked at the book from Division 25 on
 18 August 22nd, 2011 to see if Cedric Wright was listed as
 19 appearing in Division 25?
 20 A No.
 21 Q Did you have any special training to be authorized
 22 to use REJIS?
 23 A Yes, we certify.
 24 Q And what goes into the certification process?
 25 A Take a test.